



RECORDED
DEPUTY FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

IN THE DISTRICT COURT OF THE UNITED STATES OCT 16 1972
IN AND FOR THE DISTRICT OF COLORADO

UNITED STATES OF AMERICA,

Plaintiff,

v.

34.6 Acres of Land, More or Less,
situated in the County of
Rio Blanco, State of Colorado,
Weiland Ranch and Mercantile
Company, et al.,

Defendants.

JAMES R. MANSPEAKER
CLERK

BY _____
DEPUTY CLERK

COND. NO. _____

DECLARATION
OF
TAKING

C-4410

320/493

In the matter of the acquisition by
the United States of America of an
interest in 34.6 acres of land, more
or less, situate in the County of
Rio Blanco, State of Colorado, for
use in connection with access to
public domain lands administered by
the Bureau of Land Management,
United States Department of the
Interior.

Pursuant to authority delegated on February 17, 1959, by the Secretary
of the Interior under subparagraphs (6) and (7) of 210.2.2. Departmental Manual
of the Department of the Interior (24 F.R. 1348) to the Solicitor of the
Department of the Interior, I hereby make and cause to be filed this Declaration
of Taking under section 1 of the act of February 26, 1931 (46 Stat. 1421,
40 U.S.C. 1958 ed., sec. 258a), and declare that;

FIRST: (a) The interest in land hereinafter described is taken pursuant
to and under authority of the act of August 1, 1898 (25 Stat. 357, 40 U.S.C.,
1958 ed., sec. 257) as amended; the act of February 26, 1931 (46 Stat. 1421,
40 U.S.C., 1958 ed. secs. 258a-258c); the act of October 23, 1962 (76 Stat. 1147,
23 U.S.C. sec. 214 (1964)); and the Federal Aid Highway Act, 1970 (84 Stat. 1713).

(b) This interest in land has been selected for acquisition by
the United States for use in connection with the development, protection,
administration and utilization of public lands, and is required for immediate
use by the Bureau of Land Management, Department of the Interior.

(c) In my opinion it is necessary, advantageous and in the
interest of the United States that said interest in land be acquired by judicial

proceedings, as authorized by the acts of Congress approved August 1, 1888 (25 Stat. 357, 40 U.S.C., 1958 ed., sec. 257), as amended, and February 26, 1931 (46 Stat. 1421, 40 U.S.C., 1958 ed., secs. 258a-258c), and acts amendatory thereof or supplementary thereto.

SECOND: Pursuant to law I have ascertained and selected for acquisition for the purposes set forth herein, and in accordance with the foregoing acts of Congress, a perpetual exclusive easement and right-of-way to construct, locate, relocate, repair, maintain and control a roadway for use by the United States of America and its assigns, licensees and permittees, and to provide access for the people of the United States generally, and the right to clear the right-of-way and to keep the same clear of brush and trees and to dispose of such brush and trees by sale or other means on, over and across land situated in the County of Rio Blanco, State of Colorado, particularly described in the legal description designated as Exhibit A and the plat identified as Exhibit B, both of which are attached hereto and made a part hereof by reference, said easement and right-of-way to be free and clear of liens and encumbrances, except for any existing easements for public roads and public utilities; excepting and reserving to the owners of the underlying fee the right to use the roadway for all lawful purposes except that the use of the roadway for transportation of forest products, rock and other materials shall be subject to the regulations contained in 43 Code of Federal Regulations, Subparts 2800 through 2812.

THIRD: The sum estimated by me to be just compensation for the interest in land taken is Seven Thousand One Hundred Forty and No/100 Dollars (\$7,140.00), which sum I hereby deposit in the registry of this Court for the use and benefit of the party or parties entitled thereto. I am of the opinion that the ultimate award for the interest in land taken will be within any limits prescribed by Congress as the price to be paid.

IN WITNESS WHEREOF, I have signed this Declaration of Taking on this 25th day of September, A.D., 1974, in the City of Washington, District of Columbia.

I, the undersigned, Clerk of the United States District Court for the District of Colorado, do certify that the foregoing is a true and correct copy of an original document recorded in the Court's records and in my office.

WITNESS my hand and the seal of said Court this 25th day of September, 1974.

JAMES H. [Signature]
By [Signature]
Deputy

[Signature]
Mitchell Melich
Solicitor
Department of the Interior

Weiland Ranch & Mercantile Co.

A parcel of land lying south of Rio Blanco County Road No. 5 lying in Lots 1, 2, 3 and 4 of Section 18; and Lots 1 and 2 of Section 19, Township 3 South, Range 95 West, 6th Principal Meridian; Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 24; Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 25, Township 3 South, Range 96 West, 6th Principal Meridian; the said parcel being all that portion of said property contained within a strip of land of varying width 60 to 135 feet on each side of the following described centerline:

Beginning at engineer's station 0+00 located on the centerline of Rio Blanco County Road No. 5, at a point 3,107.14 feet S 77°46' E of the quarter corner common to Sections 12 and 13, T. 3 S., R. 96 W.; thence S 3°03' W for a distance of 1761.16 feet; thence along the arc of a 4° curve to the left for a distance of 355.82 feet; thence S 11°11' E for a distance of 1701.01 feet; thence along the arc of a 4° curve to the right for a distance of 504.98 feet; thence S 9°01' W for a distance of 321.63 feet; thence along the arc of a 4° curve to the right for a distance of 245.82 feet; thence S 18°51' W for a distance of 604.55 feet; thence along the arc of a 4° curve to the right for a distance of 194.16 feet; thence S 26°37' W for a distance of 524.67 feet; thence along the arc of a 4° curve to the left for a distance of 212.07 feet; thence S 18°08' W for a distance of 1,199.41 feet; thence along the arc of a 4° curve to the left for a distance of 106.66 feet; thence S 13°52' W for a distance of 362.94 feet; thence along the arc of a 4° curve to the right for a distance of 134.16 feet; thence S 19°14' W for a distance of 593.09 feet; thence along the arc of a 5° curve to the right for a distance of 300.33 feet; thence S 34°15' W for a distance of 227.53 feet; thence along the arc of a 5° curve to the left for a distance of 431.00 feet; thence S 12°42' W for a distance of 1777.55 feet to the engineer's station 115+58.54, a point S 53°26' W of, and 1979.73 feet from the corner common to Sections 19 and 30, T. 3 S., R. 95 W., and Sections 24 and 25, T. 3 S., R. 96 W., 6th Principal Meridian.

The widths in feet of the strip of land above referred to are as follows:

<u>Station to Station</u>		<u>Widths on Left Side of Centerline</u>	<u>Widths on Right Side of Centerline</u>
0+00	to 26+00	60	60
26+00	to 54+94.97	60	135
54+94.97	to 71+00	60	60
71+00	to 78+00	60	135
78+00	to 115+58.54	60	60

The parcel of land to which the above description applies contains 34.6 acres,
more or less.

Correct as to Engineering Data

Robert A. Wales
Design & Construction Engineer

6/30/70
DLS







